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SUBJECT: SPECIAL COURT FOR SIERRA LEONE PRESIDENT WINTER
AND PROSECUTOR STEPHEN RAPP BRIEF SECURITY COUNCIL ON
LATEST DEVELOPMENTS AT THE COURT

¶1. (U) Summary. The President of the Special Court for Sierra Leone, Justice Renate Winter, and the Prosecutor of the Special Court, Stephen Rapp, briefed the Security Council on the latest developments at the Court on July 16. Members of the Security Council thanked them for their efforts, praised the Special Court for its achievements, encouraged the Court to complete its work in a timely and efficient manner and called for additional contributions by U.N. Member States. End summary.

¶2. (U) President Winter summarized the status of the Court's four trials. She noted that the trials and appeals had been concluded in the Civil Defense Forces (CDF) and Armed Forces Revolutionary Council (AFRC) cases resulting in five convictions. She reported that three Revolutionary United Front (RUF) defendants were convicted and sentenced earlier this year and that the appeal was expected to be completed by October. And she noted that the prosecution closed its case in the Charles Taylor trial in February, with the Defense beginning its case this week. She reported that the Court projects that it will complete its judicial activity by February, 2011 with the conclusion of the Taylor appeal (assuming there is a conviction).

¶3. (U) Winter noted that the Special Court has achieved many "firsts" and has set many precedents in international criminal law, including: a. handing down the first decision on the non-applicability of amnesty for an international prosecution; b. adjudicating the limitations of immunity of a head of State vis--vis an international criminal court; and c. establishing as crimes, and convicting those responsible for, the forcible recruitment and use of child soldiers, attacks against U.N. peacekeepers, and the use of forced marriages as a crime against humanity. Winter also reported that the Special Court has transferred expertise to Sierra Leoneans through a number of capacity-building programs and that the Court's outreach program has conducted over 10,000 events to bring the Court's work into the country's national discourse and heritage. She noted that potential future uses of the Court's site include a regional training center for the rule of law and a memorial component for commemorating the victims of the war.

¶4. (U) Winter noted that the Special Court has worked with its Management Committee (on which the United States sits in New York) to devise a suitable arrangement to handle those "residual issues" that will extend beyond the life of the Court, such as management of the Court's archives, enforcement of sentences and witness protection. She suggested that sharing a platform with another institution in the long term should be considered, particularly as many of the same residual functions will also be performed in connection with the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR).

¶5. (U) Winter noted that the Court is funded by voluntary

contributions, and that the financial situation of the Court is very serious, with the Court projected to experience a funding shortfall by the first week of August. She said that this shortfall poses the real possibility of disrupting the Court's work, which would have disastrous consequences for the Council's extensive peace building efforts in Sierra Leone and Liberia. She said that a disruption of the proceedings would send the wrong message to the international community, jeopardizing the fight against impunity and potentially calling into question our collective commitment to international justice.

¶16. (U) Prosecutor Stephen Rapp also reported on the progress of the Court, focusing on the Taylor prosecution, which included over ninety witnesses. He also pointed out many of the milestones the Court has achieved in international criminal law. Rapp discussed the need for a mechanism to deal with residual issues, concentrating on the one indictee-at-large, Johnny Paul Koroma, who may or not be deceased. Rapp said that it would be unacceptable for Sierra Leone and for international justice were Koroma - who was head of the Armed Forces Revolutionary Council - to surface after the closure of the Court and never have to answer for his alleged crimes. The Prosecution has been in discussions with authorities in Sierra Leone and two other countries and will take steps before the Special Court concludes its active work to ensure that Koroma can be prosecuted within a national system.

¶17. (U) Rapp also said that the Prosecution shares the view of the Government of Sierra Leone that the sentences of the Court's convicted persons should be served outside of Sierra Leone, in facilities that are secure and meet international

standards. Rapp noted that a secure source of funding will be needed to support a residual mechanism until all of the prisoners have served their sentences. Rapp characterized the immediate financial situation as an impending crisis. He noted that even if all pledged donations from donors for this year come in early, the court will still run out of money before next year's round of donations.

¶18. (U) All Security Council Members took the floor, praising the achievements of the Special Court. The UK stressed that the international community must ensure that the Special Court has the resources that it needs. The US noted that it has been the Special Court's largest financial supporter, having contributed over 60 million USD since the Court's inception in 2002. Several delegations noted that the work of the Special Court on residual issues may inform the Security Council's work on similar issues regarding the ICTY and ICTR. Several delegations noted that the Special Court shows that justice and peace do not have to be in conflict, and observed that the Special Court has contributed to peace in the region. The Representative of Sierra Leone also noted the important achievements of the Special Court in bringing perpetrators of the most serious crimes to justice.

¶19. (SBU) Comment. As the eyes of the world are on the Charles Taylor testimony, the Court remains in dire financial straits. Even the impending 9 million USD contribution from the United States (which this Mission is working with the Department to finalize) will only take the Court through the end of this year. Meanwhile, the extremely effective Prosecutor, American Stephen Rapp, is departing the Court to become the Department's War Crimes Ambassador. End comment.
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